

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
v.	§	Case No. 3:18-cr-356-S
	§	
THOMAS SELGAS (1), and	§	
MICHELLE L. SELGAS (2).	§	
Defendants.	§	

ORDER OF CLARIFICATION

Before the Court is a Withdrawal of Joint Request to Modify Condition of Pretrial Release that Prohibits the Defendants from Possessing a Firearm [ECF No. 39], filed by counsel for Defendants Thomas Selgas (“Thomas”) and Michelle Selgas (“Michele”). The filing states: “The Court has informed counsel for Mr. Selgas that there is, in fact, no restriction on his ability to possess a firearm.”

To be clear, the Court informed Thomas’s counsel that the now withdrawn Joint Request to Modify Condition of Pretrial Release that Prohibits the Defendants from Possessing a Firearm [ECF No. 37] was unnecessary because the Orders Setting Conditions of Release for Thomas [ECF No. 8] and Michelle [ECF No. 11] did not impose as a condition of release that Thomas and Michelle “not possess a firearm, destructive device, or other weapon.” The Court did not impose the condition prohibiting possession of a firearm because Thomas and Michelle reported to Pretrial Services that neither of them owns a firearm and they do not keep firearms in their home.

It is not correct to state there is no restriction on Thomas's and Michelle's ability to possess a firearm. 18 U.S.C. § 922(n) provides "[i]t shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to . . . receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce." Thomas and Michelle are under indictment for a felony crime and are subject to § 922(n). Thomas and Michelle previously reported that they did not possess a firearm prior to the date of their indictment. Therefore, under the circumstances, it appears that Thomas and Michelle are restricted from possession of a firearm.

SO ORDERED.

November 28, 2018.

A handwritten signature in black ink, appearing to read 'RR/12', is written over a horizontal line.

REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE